

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE PORK ANTITRUST LITIGATION

This Document Relates To:
Below-Listed DAP Actions

ACTION MEAT DISTRIBUTORS, INC., et
al.,
Plaintiffs,

v.

AGRI STATS, ET AL.,
Defendants.

CONAGRA BRANDS, INC.,
Plaintiff,

v.

AGRI STATS, ET AL.,
Defendants.

GIANT EAGLE, INC.,
Plaintiff,

v.

AGRI STATS, ET AL.,
Defendants

NESTLÉ PURINA PETCARE COMPANY
and NESTLÉ USA, INC.

Case No. 18-cv-1776 (JRT-HB)

**STIPULATION FOR DISMISSAL
OF DEFENDANT SEABOARD
CORPORATION WITHOUT
PREJUDICE**

Case No. 21-cv-01454 (JRT-HB)

Case No. 21-cv-1873 (JRT-HB)

Case No. 21-cv-1874 (JRT-HB)

Case No. 21-cv-01715 (JRT-HB)

<p>Plaintiff,</p> <p>v.</p> <p>AGRI STATS, ET AL., Defendants</p>	
<p>UNIPRO FOODSERVICE, INC.</p> <p>Plaintiff,</p> <p>v.</p> <p>AGRI STATS, ET AL., Defendants</p>	Case No. 21-cv-02757 (JRT-HB)
<p>HOWARD B. SAMUELS, solely as Chapter 7 Trustee of the estate of CENTRAL GROCERS, INC.</p> <p>Plaintiff,</p> <p>v.</p> <p>AGRI STATS, ET AL., Defendants</p>	Case No. 21-cv-2526 (JRT-HB)

WHEREAS, Plaintiffs in the above-named actions brought claims against Defendants Seaboard Foods LLC and Seaboard Corporation relating to hog and pork production;

WHEREAS, Plaintiffs in the above-named actions have agreed to dismiss the claims against Seaboard Corporation without prejudice, provided that Seaboard Corporation

makes satisfactory representations about its lack of direct involvement in hog and pork production;

WHEREAS, Seaboard Corporation represents that it does not directly own any hog-producing or pork-processing assets and does not directly produce, market, or sell hogs or pork;

THEREFORE, the undersigned parties hereby stipulate and agree as follows:

1. The Complaint of Action Meat Distributors, Inc., Alex Lee, Inc., Associated Food Stores, Inc., Brookshire Grocery Company, Certco, Inc., Colorado Boxed Beef Co., Merchants Distributors, LLC, Nicholas & Co., Inc., PFD Enterprises, Inc., Spartannash Company's, Springfield Grocer Company, The Distribution Group, Inc. (d/b/a Van Eerden Foodservice Company), The Golub Corporation, Topco Associates, LLC, Troyer Foods, Inc., and URM Stores, Inc. (collectively, the "Action Meat Plaintiffs") (Case No. 21-cv-01454) shall be dismissed as to Seaboard Corporation without prejudice;
2. The Complaint of Conagra Brands, Inc. (Case No. 21-cv-1873) shall be dismissed as to Seaboard Corporation without prejudice;
3. The Complaint of Giant Eagle, Inc. (Case No. 21-cv-1874) shall be dismissed as to Seaboard Corporation without prejudice;
4. The Complaint of Nestlé Purina Petcare Company and Nestlé USA, Inc. (Case No. 21-cv-01715) shall be dismissed as to Seaboard Corporation without prejudice;

5. The Complaint of UniPro Foodservice, Inc. (Case No. 21-cv-02757) shall be dismissed as to Seaboard Corporation without prejudice; and
6. The Complaint of Howard Samuels, solely as Chapter 7 Trustee of the estate of Central Grocers, Inc. (“Central Grocers”) (Case No. 21-cv-2526) shall be dismissed as to Seaboard Corporation without prejudice.
7. All statutes of limitations applicable to any and all claims that the Action Meat Plaintiffs, Conagra Brands, Inc., Giant Eagle, Inc., Nestlé Purina Petcare Company and Nestlé USA, Inc., UniPro Foodservice, Inc., and Central Grocers may have against Seaboard Corporation shall be tolled from the entry of the dismissal without prejudice until such a time, if it were to occur, that the Action Meat Plaintiffs, Conagra Brands, Inc., Giant Eagle, Inc., Nestlé Purina Petcare Company and Nestlé USA, Inc., UniPro Foodservice, Inc., and/or Central Grocers reinstate any such claims, but, in any event, no later than judgment is entered on the claims against Seaboard Foods LLC.

Dated: January 28, 2022

/s/ Peter Schwinger

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